

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

BOARD OF COUNTY COMMISSIONERS )  
OF THE COUNTY OF CLEVELAND, )

Plaintiff, )

Case No. CIV-12-00569-F

vs. )

MERSCORP, INC., *et al.*, )

Defendants. )

**PLAINTIFF’S MOTION TO REMAND**

Plaintiff, Cleveland County, in the name of the Board of County Commissioners of the County of Cleveland, respectfully submits its Motion to Remand and Corrected Brief in Support, pursuant to 28 U.S.C. § 1447, requesting that this Court remand the action to state court where the Notice of Removal is procedurally defective as all properly joined and served defendants failed to consent to removal, and for want of subject matter jurisdiction.

WHEREFORE, a joint Notice of Removal was filed on May 18, 2012 by seven of the twelve named defendants: MERSCORP, Inc. (n/k/a MERSCORP Holdings, Inc.); Mortgage Electronic Registration Systems, Inc. (“MERS”); Bank of America, National Association (“BANA”); JPMorgan Chase Bank, N.A. (mistakenly identified as Chase

Home Mortgage Corporation f/k/a Chase Home Finance); SunTrust Mortgage, Inc.; Wells Fargo Bank, N.A.; and U.S. Bank National Association (ECF No. 1).<sup>1</sup>

WHEREFORE, Plaintiff's Motion to Remand and original Brief in Support was timely filed on June 20, 2012, pursuant to the Stipulated Scheduling Order granted by this Court (ECF No. 14).<sup>2</sup>

WHEREFORE, Plaintiff moves this Court for entry of an Order, remanding this action to the state court from which it was removed, District Court of Cleveland County, Oklahoma, pursuant to 28 U.S.C. § 1447.

Dated: June 26, 2012  
New York, New York

Respectfully submitted,

s/ Christian Siebott

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<sup>1</sup> The remaining five defendants are: (1) SpiritBank; (2) BOKF d/b/a Bank of Oklahoma (mistakenly identified as Bank of Oklahoma N.A.); (3) CitiMortgage, Inc.; (4) CitiMortgage, Inc. as successor-by-merger-to Principal Residential Mortgage Inc.; and (5) GMAC Mortgage LLC (mistakenly identified as GMAC Residential Funding Corporation) ("GMAC"). GMAC recently filed for bankruptcy and is, therefore, not required to consent to removal (ECF No. 1-6).

<sup>2</sup> See *id.* Order Regarding Stipulation Regarding Extension of Time to File Response to Complaint and Briefing Scheduling for Plaintiff's Remand Motion at 2, n.1.

and

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